

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD GERBER,	:	CIVIL ACTION NO. 1:14-CV-674
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WARDEN WILLIAM CAMPBELL,	:	
<i>et al.</i>,	:	
	:	
Defendants	:	

ORDER AND JUDGMENT

AND NOW, this 6th day of June, 2016, upon consideration of the report (Doc. 38) of Magistrate Judge Susan E. Schwab, recommending the court grant the motion (Doc. 30) for summary judgment by defendant Warden William Campbell (“Campbell”), wherein Judge Schwab opines that *pro se* plaintiff Richard Gerber (“Gerber”) has failed to demonstrate genuine disputes of material fact in response to Campbell’s motion, and that the undisputed Rule 56 record does not support Gerber’s claim of retaliation in violation of the First Amendment pursuant to 42 U.S.C. § 1983, and it appearing that Gerber did not object to the report, see FED. R. Civ. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r

of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 38) of Magistrate Judge Schwab is ADOPTED.
2. The motion (Doc. 30) for summary judgment by defendant Warden William Campbell (“Campbell”) is GRANTED.
3. Judgment is ENTERED in favor of Campbell and against plaintiff Richard Gerber.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania